

Richard Olejnik

03/19/2021

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF MICHIGAN

3 SOUTHERN DIVISION

4

5 KOHCHISE JACKSON,

6 Plaintiff,

7 vs.

No. 2:19-cv-13382
Hon.: Terrence G. Berg
Mag.: Patricia T. Morris

8 CORIZON HEALTH, Inc. et al.,

9 Defendant,

10 _____/

11 PAGE 1 TO 17

12

13 The Deposition of RICHARD OLEJNIK,

14 Taken at 737 Woodlawn Ave,

15 Jackson, Michigan,

16 Commencing at 1:12 p.m.,

17 Friday, March 19, 2021,

18 Before Melinda R. Womack, CSR3611.

19

20

21

22

23

24

25

Richard Olejnik
03/19/2021

Page 2

1 APPEARANCES:

2

3 MR. IAN T. CROSS P83367

4 Margolis, Gallagher & Cross

5 214 S. Main Street

6 Suite 200

7 Ann Arbor, Michigan 48104

8 (734)994-9590

9 ian@lawinannarbor.com

10 Appearing on behalf of the Plaintiff.

11

12 MR. DANIEL R. CORBET P37306

13 Corbet, Shaw, Essad & Bonasso, PLLC

14 30500 Van Dyke Ave.

15 Suite 500

16 Warren, Michigan 48093

17 (313)964-6300

18 daniel.corbet@cseb-law.com

19 Appearing on behalf of Defendant Prime Healthcare

20 Services and Colleen Spencer.

21

22

23 Appearances Continued. . .

24

25

Richard Olejnik
03/19/2021

Page 3

1 MR. DELVIN SCARBER P64532
2 Chapman Law Group
3 1441 West Long Lake Road
4 Suite 310
5 Troy, Michigan 48098
6 (248)644-6326
7 dscarber@chapmanlawgroup.com
8 Appearng on behalf of Defendants Corizon Health,
9 Inc. and Keith Papendick, M.D.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Richard Olejnik

03/19/2021

Page 4

1

TABLE OF CONTENTS

2

WITNESS Page

3

4 RICHARD OLEJNIK

5

6 EXAMINATION BY MR. CROSS: 5

7 EXAMINATION BY MR. CORBET: 12

8 EXAMINATION BY MR. SCARBER: 14

9 RE-EXAMINATION BY MR. CORBET: 14

10

11

12 INDEX TO EXHIBITS
(Exhibits Retained)
13 (Exhibits Previously Marked)

14

15 EXHIBIT Marked

16

17 Exhibit No. 1 Request

18 Exhibit No. 2 Professional Service Contract

19

20

21

22

23

24

25

Richard Olejnik
03/19/2021

Page 5

1 Jackson, Michigan

2 Friday, March 19, 2021

3 About 1:12 p.m.

12 MR. CROSS: Good afternoon. Ian Cross on
13 behalf of the Plaintiff, Kohchise Jackson.

14 MR. CORBET: Hi, this is Dan Corbet. I
15 represent Colleen Spencer and Lake Huron Medical
16 Center.

17 MR. SCARBER: Good afternoon. This is
18 Delvin Scarber. I'm representing Dr. Papendick and
19 Corizon.

20 MR. SHOUDY: And this is Todd Shoudy, I
21 represent the witnesses and St. Clair County.

22 RICHARD OLEJNIK,

23 having first been duly sworn, was examined and testified
24 on his oath as follows:

25 EXAMINATION BY MR. CROSS:

Richard Olejnik

03/19/2021

Page 6

1 Q. Good afternoon, Mr. Olejnik. You understand you are
2 testifying on behalf of St. Clair County, not as
3 yourself, correct?

4 **A. Correct.**

5 Q. Okay. So my first question for the County is who
6 makes medical decisions for inmates at the St. Clair
7 County Jail?

8 **A. Our contracted medical provider.**

9 MR. CORBET: Form objection, just for the
10 record. Sorry. Go ahead.

11 Q. (By Mr. Cross, continuing) Who is your contracted
12 medical provider?

13 MR. SHOUDY: As of today, Ian?

14 MR. CROSS: Yes.

15 MR. SHOUDY: Okay.

16 **A. Corizon is our current provider.**

17 Q. (By Mr. Cross, continuing) Who was your contracted
18 medical provider in the year 2016?

19 **A. I believe at that time it was Lake Huron Medical.**

20 Q. Lake Huron Medical. So when you say your contracted
21 medical provider makes medical decisions for the
22 inmates at the jail, do you know what specific
23 individuals make decisions on behalf of the
24 contracted provider?

25 **A. I don't understand the question.**

Richard Olejnik

03/19/2021

Page 7

1 Q. I'll rephrase. In 2016, were there medical staff
2 present on site at the jail?

3 **A. Yes.**

4 Q. Who were those individuals?

5 **A. I cannot provide you a list of the individuals off**
6 **the top of my head.**

7 Q. Do you know how many there were?

8 **A. No, I do not know an accurate count.**

9 Q. Do you know how many would be present typically at
10 one time?

11 **A. I think it varied, depending on what time of day.**

12 Q. Okay. During the day shift, say at 1 p.m.

13 **A. I believe there was -- I don't know exactly because,**
14 **again, it shifted, but there potentially was maybe**
15 **three.**

16 Q. Three. And do you remember any of their names?

17 **A. Not specific to 2016. I don't know exactly what**
18 **you're asking. People have come and gone throughout**
19 **timelines, so I'm not quite sure. If you could be**
20 **more specific, please.**

21 Q. Okay. Understood. Did the medical staff who were on
22 site at the jail in 2016 work for St. Clair County?

23 **A. No. They were not employees of St. Clair County.**

24 Q. They were employees of the contracted provider then?

25 **A. To my knowledge, yes.**

Richard Olejnik

03/19/2021

Page 8

1 Q. So were there any medical staff that were direct
2 employees of the County who worked at the jail?

3 **A. I do not believe so, no.**

4 Q. Okay. Who trained the medical staff who worked at
5 the jail, if you know?

6 MR. CORBET: Foundation objection.

7 **A. I do not know who would have trained the medical**
8 **staff.**

9 Q. (By Mr. Cross, continuing) Do you know who supervised
10 the medical staff?

11 MR. CORBET: Same objection.

12 **A. I do not.**

13 Q. (By Mr. Cross, continuing) Did anyone else at the
14 jail, besides the medical staff, ever overrule
15 medical decisions made by the medical staff?

16 MR. CORBET: Same objection. Foundation.

17 **A. Can you rephrase that? I don't understand that**
18 **question.**

19 Q. (By Mr. Cross, continuing) Did anyone who worked at
20 the jail, other than the medical staff who were
21 employees of the contractor, ever overrule medical
22 decisions made by the medical staff?

23 MR. CORBET: Form and foundation.

24 **A. No.**

25 Q. (By Mr. Cross, continuing) In 2016, who was the final

Richard Olejnik

03/19/2021

Page 9

1 decision maker in regards to medical decisions for
2 individual inmates?

3 MR. CORBET: Foundation.

4 **A. I do not know.**

5 MR. SCARBER: Ian, I'm just going to ask
6 you for clarification. This carried over into 2017
7 as well, so I don't want your question to --

8 MR. CROSS: I'll get to that.

9 MR. SCARBER: -- get rearranged, you know
10 what I mean? Okay. I just wanted to add that. It's
11 not really an objection, but it's just a point of
12 clarification, which period you're actually talking
13 about.

14 MR. CROSS: Okay.

15 Q. (By Mr. Cross, continuing) Does the County have a
16 written policy of prohibiting colostomy reversal
17 surgeries for jail inmates?

18 **A. Specifically with exactly what you said, no.**

19 Q. Okay. Does the County have a policy of denying
20 access to medical procedures for jail inmates except
21 for situations involving emergent or life-threatening
22 conditions?

23 MR. CORBET: Form and foundation.

24 **A. I would like you to repeat that question.**

25 Q. (By Mr. Cross, continuing) Sure. Does the County

Richard Olejnik

03/19/2021

Page 10

1 have a policy of denying access to medical procedures
2 for jail inmates except for situations involving
3 emergent or life threatening conditions?

4 MR. CORBET: Same objection.

5 **A. No.**

6 Q. (By Mr. Cross, continuing) Do inmates of the jail
7 ever go offsite for a doctor's appointment?

8 **A. Yes.**

9 Q. Did they go offsite in 2016?

10 **A. Are you asking for specifics?**

11 Q. No. I'm asking in general in 2016, in that time
12 period, did inmates go offsite for doctor's
13 appointments?

14 **A. I cannot answer that specifically. I would believe
15 so, but I don't have that information in front of me.**

16 Q. Okay. Who, if anyone at the jail, had the authority
17 to cancel medical appointments for inmates?

18 **A. All of the medical appointments were scheduled
19 through medical staff.**

20 Q. Okay. I'm going to show you an exhibit. Can you see
21 a document there, sir?

22 **A. The document that I see is a request 003574920, if
23 that's the document you're questioning on.**

24 Q. Yes, it is. Do you recognize what that document is?

25 **A. This appears to be a document that would have been**

Richard Olejnik

03/19/2021

Page 11

1 retrieved through our tablet communication system.

2 Q. All right. I want to direct your attention to the
3 part right there below request info that says status
4 closed by Nurse Colleen. Do you know who Nurse
5 Colleen is?

6 A. I believe so.

7 Q. Who is Nurse Colleen?

8 A. I'm trying to recall. I believe that would be the
9 nurse that was in charge that closed the kite.

10 Q. Okay. And down here you see this log of entries of
11 dates and times?

12 A. I do see it. It's a little blurred, but I do see it.

13 Q. You see a blur? You see where it says the surgery
14 has been postponed at this time?

15 A. I can read that, yes.

16 Q. Okay. Did a St. Clair County employee make the
17 decision to postpone that surgery?

18 MR. CORBET: Form and foundation. Sorry.

19 A. No.

20 O. (By Mr. Cross, continuing) Who made the decision?

21 MR. CORBET: Same objection.

22 A. I do not know.

23 Q. (By Mr. Cross, continuing) Okay. Now I'm going to
24 turn your attention to, we'll call this Plaintiff's
25 Exhibit 2, professional service contract. Do we want

Richard Olejnik
03/19/2021

Page 12

1 to switch witnesses?

2 MR. SHOUDY: If you'd like to, yeah, you
3 can do so.

4 MR. CROSS: All right.

5 MR. SHOUDY: Are you done with Rich,
6 then?

7 MR. CROSS: Yes.

8 MR. SHOUDY: Should we finish him up and
9 then go to the next one? Let the other witnesses
10 have their questions answered?

11 MR. CROSS: Sure, we can do that.

12 MR. SHOUDY: Okay.

13 MR. CORBET: This is Dan Corbet. I'll
14 ask a few questions in follow-up, if you don't mind.
15 Can you hear me okay?

16 **THE WITNESS: I can, yes.**

17 EXAMINATION BY MR. CORBET:

18 Q. So back in 2016, you would let the medical staff
19 decide whether or not a surgical procedure was
20 medically necessary or not?

21 A. **We did not make the medical decisions. I'm not sure**
22 **who decided the actual decision, but it was not up to**
23 **us at the jail. We relied on the medical staff to**
24 **facilitate whether something was necessary or not.**

25 Q. And on occasion -- well strike that. You're not

Richard Olejnik

03/19/2021

Page 13

1 aware of how the medical staff would decide whether
2 or not an outside medical procedure was necessary,
3 are you?

4 A. No.

5 Q. Back in 2016 and 2017, are you familiar with that the
6 outside medical bills were paid for by the County?
7 Were you aware of that?

**8 A. I do not have anything to do with the payment of the
9 bills or anything to do with that.**

10 Q. Who would? Who would know that, I mean?

11 A. That would be Tracy. That would be more appropriate.

12 Q. Okay, Tracy? All right. Are you familiar that on
13 occasion the correctional staff could cancel, if
14 needed, an outside appointment for an inmate based on
15 staffing, hearing dates, things like that?

**16 A. There have been potential conflicts, which I know
17 have in the past probably occurred, conflicts of
18 scheduling.**

19 Q. Okay.

20 MR. CORBET: Thank you. That's all I
21 have.

22 THE WITNESS: You're welcome.

23 MR. SCARBER: Mr. Olejnik, attorney
24 Delvin Scarber, and I only have maybe one or two
25 questions for you.

Richard Olejnik
03/19/2021

Page 14

1 EXAMINATION BY MR. SCARBER:

2 Q. It's my understanding that you testified earlier that
3 back in 2016 or 2017 you had a medical care or
4 healthcare contractor that was not Corizon, correct?

5 **A. That is correct.**

6 Q. And even though you've mentioned that Corizon may be
7 your medical healthcare provider now, Corizon was not
8 a healthcare provider for the County jail back in
9 2016, 2017, correct?

10 **A. That is correct.**

11 MR. SCARBER: I have nothing further.

12 MR. CORBET: Can I just have one or two
13 more follow-up questions, officer?

14 **THE WITNESS: Absolutely.**

15 RE-EXAMINATION BY MR. CORBET:

16 Q. If an outside surgery for a jailed inmate was deemed
17 medically necessary by the medical staff, it would
18 still have to be approved by the correctional staff,
19 fair enough, for arrangements to be made, things like
20 that, correct?

21 MR. CROSS: Objection. Leading.

22 **A. Our role is to provide security during medical
23 procedures. That would be our only involvement or
24 role that would have anything to do with medical.**

25 Q. (By Mr. Corbet, continuing) Let me put it this way.

Richard Olejnik

03/19/2021

Page 15

1 The medical staff does not have authorization to
2 release inmates out of the building on their own, do
3 they?

4 A. The medical staff does not transport inmates out of
5 the building, if that's what you're asking.

6 Q. Right. So how would the arrangements be made then to
7 transport somebody to a hospital for surgery, a
8 jailed inmate, specifically?

9 A. Typically that would be coordinated through the
10 medical staff. They would provide that information
11 to the security staff, and then we would arrange
12 transportation.

13 Q. How would you decide how many officers to send,
14 things like that?

15 A. That's a discretionary decision based on a lot of
16 factors.

17 O. Based on what?

18 A. Based on past criminal history, the severity of the
19 current charge of the inmate, what type of security
20 risk they are. There is no single answer for the
21 question you asked.

22 MR. CORBET: Thank you. That's all I
23 have. I appreciate your time.

24 THE WITNESS: You're welcome.

25 MR. SHOODY: Ian, are you all done with

Richard Olejnik

03/19/2021

Page 16

1 him or do you have something?

2 MR. CROSS: I'm all done with him.

3 MR. SHOUDY: All right. Everyone's done,

4 I think, with Rich, so can we excuse Rich at this

5 point?

6 MR. CORBET: Certainly.

7 MR. SHOUDY: Okay. Thank you.

8 VIDEOGRAPHER: We're going off the

9 record. The time is 1:30.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Richard Olejnik

03/19/2021

Page 17

1

CERTIFICATE OF NOTARY

2

3 STATE OF MICHIGAN)

4) SS

5 COUNTY OF OAKLAND)

6

7 I, Melinda R. Womack, Certified Shorthand
8 Reporter, a Notary Public in and for the above county
9 and state, do hereby certify that the above
10 deposition was taken before me at the time and place
11 hereinbefore set forth; that the witness was by me
12 first duly sworn to testify to the truth, and nothing
13 but the truth, that the foregoing questions asked and
14 answers made by the witness were duly recorded by me
15 stenographically and reduced to computer
16 transcription; that this is a true, full and correct
17 transcript of my stenographic notes so taken; and
18 that I am not related to, nor of counsel to either
19 party nor interested in the event of this cause.

20

Melinda R. Womack

21

22

Melinda R. Womack, CSR-3611

23

Notary Public,

24

Oakland County, Michigan

25

My Commission expires: 06-22-2025

Richard Olejnik

03/19/2021

1

0

003574920 10:22

1

1 7:12

19 5:2

19th 5:6

1:12 5:3,7

1:30 16:9

2

2 11:25

2016 6:18 7:1,17,22 8:25 10:9,
11 12:18 13:5 14:3,9

2017 9:6 13:5 14:3,9

2021 5:2,7

A

Absolutely 14:14

access 9:20 10:1

accurate 7:8

actual 12:22

add 9:10

affiliations 5:9

afternoon 5:12,17 6:1

ahead 6:10

announcement 5:11

appears 10:25

appointment 10:7 13:14

appointments 10:13,17,18

approved 14:18

approximately 5:7

arrange 15:11

arrangements 14:19 15:6

attention 11:2,24

attorney 13:23

attorneys 5:8

authority 10:16

authorization 15:1

aware 13:1,7

B

back 12:18 13:5 14:3,8

based 13:14 15:15,17,18

behalf 5:13 6:2,23

bills 13:6,9

blur 11:13

blurred 11:12

building 15:2,5

C

call 11:24

cancel 10:17 13:13

care 14:3

carried 9:6

Center 5:16

charge 11:9 15:19

Clair 5:21 6:2,6 7:22,23 11:16

clarification 9:6,12

closed 11:4,9

Colleen 5:15 11:4,5,7

colostomy 9:16

communication 11:1

conditions 9:22 10:3

conflicts 13:16,17

continuing 6:11,17 8:9,13,19,
25 9:15,25 10:6 11:20,23
14:25

contract 11:25

contracted 6:8,11,17,20,24
7:24

contractor 8:21 14:4

coordinated 15:9

Corbet 5:14 6:9 8:6,11,16,23
9:3,23 10:4 11:18,21 12:13,17
13:20 14:12,15,25 15:22 16:6

Corizon 5:19 6:16 14:4,6,7

correct 6:3,4 14:4,5,9,10,20

correctional 13:13 14:18

count 7:8

County 5:21 6:2,5,7 7:22,23
8:2 9:15,19,25 11:16 13:6
14:8

court 5:10

criminal 15:18

Cross 5:12,25 6:11,14,17 8:9,
13,19,25 9:8,14,15,25 10:6
11:20,23 12:4,7,11 14:21 16:2

current 6:16 15:19

D

Dan 5:14 12:13

dates 11:11 13:15

day 7:11,12

decide 12:19 13:1 15:13

decided 12:22

decision 9:1 11:17,20 12:22
15:15decisions 6:6,21,23 8:15,22
9:1 12:21

deemed 14:16

Delvin 5:18 13:24

denying 9:19 10:1

depending 7:11

deposition 5:5

Richard Olejnik

03/19/2021

2

direct 8:1 11:2

discretionary 15:15

doctor's 10:7,12

document 10:21,22,23,24,25

duly 5:23

E

earlier 14:2

Eastern 5:8

emergent 9:21 10:3

employee 11:16

employees 7:23,24 8:2,21

entries 11:10

Everyone's 16:3**EXAMINATION** 5:25 12:17

14:1

examined 5:23

excuse 16:4

exhibit 10:20 11:25

F

facilitate 12:24

factors 15:16

fair 14:19

familiar 13:5,12

final 8:25

finish 12:8

follow-up 12:14 14:13

Form 6:9 8:23 9:23 11:18**foundation** 8:6,16,23 9:3,23
11:18**Friday** 5:2,6

front 10:15

G

general 10:11

Good 5:12,17 6:1

H

head 7:6

healthcare 14:4,7,8

hear 12:15

hearing 13:15

history 15:18

hospital 15:7

Huron 5:15 6:19,20

I

Ian 5:12 6:13 9:5 15:25

identify 5:9

individual 9:2

individuals 6:23 7:4,5

info 11:3

information 10:15 15:10

inmate 13:14 14:16 15:8,19

inmates 6:6,22 9:2,17,20 10:2,
6,12,17 15:2,4

involvement 14:23

involving 9:21 10:2

J

Jackson 5:1,13jail 6:7,22 7:2,22 8:2,5,14,20
9:17,20 10:2,6,16 12:23 14:8

jailed 14:16 15:8

K

kite 11:9

knowledge 7:25

Kohchise 5:13

L

Lake 5:15 6:19,20

Leading 14:21

life 10:3

life-threatening 9:21

list 7:5

log 11:10

lot 15:15

M

made 8:15,22 11:20 14:19
15:6

make 6:23 11:16 12:21

maker 9:1

makes 6:6,21

March 5:2,6

medical 5:15 6:6,8,12,18,19,
20,21 7:1,21 8:1,4,7,10,14,15,
20,21,22 9:1,20 10:1,17,18,19
12:18,21,23 13:1,2,6 14:3,7,
17,22,24 15:1,4,10

medically 12:20 14:17

mentioned 14:6

Michigan 5:1

mind 12:14

N

names 7:16

needed 13:14

nurse 11:4,7,9

O

oath 5:24

Richard Olejnik

03/19/2021

3

objection 6:9 8:6,11,16 9:11
10:4 11:21 14:21

occasion 12:25 13:13

occurred 13:17

officer 14:13

officers 15:13

offsite 10:7,9,12

Olejnik 5:5,22 6:1 13:23

overrule 8:14,21

P

p.m. 5:3,7 7:12

paid 13:6

Papendick 5:18

part 11:3

past 13:17 15:18

payment 13:8

People 7:18

period 9:12 10:12

Plaintiff 5:13

Plaintiff's 11:24

point 9:11 16:5

policy 9:16,19 10:1

postpone 11:17

postponed 11:14

potential 13:16

potentially 7:14

present 7:2,9

procedure 12:19 13:2

procedures 9:20 10:1 14:23

professional 11:25

prohibiting 9:16

provide 7:5 14:22 15:10

provider 6:8,12,16,18,21,24
7:24 14:7,8

put 14:25

Q

question 6:5,25 8:18 9:7,24
15:21

questioning 10:23

questions 12:10,14 13:25
14:13

R

RE-EXAMINATION 14:15

read 11:15

rearranged 9:9

recall 11:8

recognize 10:24

record 5:4,7,10 6:10 16:9

release 15:2

relied 12:23

remember 7:16

repeat 9:24

rephrase 7:1 8:17

reporter 5:10

represent 5:15,21

representing 5:18

request 10:22 11:3

retrieved 11:1

reversal 9:16

Rich 12:5 16:4

Richard 5:5,22

risk 15:20

role 14:22,24

S

Scarber 5:17,18 9:5,9 13:23,
24 14:1,11

scheduled 10:18**scheduling** 13:18**security** 14:22 15:11,19**send** 15:13**service** 11:25**severity** 15:18**shift** 7:12**shifted** 7:14**Shoudy** 5:20 6:13,15 12:2,5,8,
12 15:25 16:3,7**show** 10:20**single** 15:20**sir** 10:21**site** 7:2,22**situations** 9:21 10:2**specific** 6:22 7:17,20**specifically** 9:18 10:14 15:8**specifics** 10:10**Spencer** 5:15**St** 5:21 6:2,6 7:22,23 11:16**staff** 7:1,21 8:1,4,8,10,14,15,
20,22 10:19 12:18,23 13:1,13
14:17,18 15:1,4,10,11**staffing** 13:15**status** 11:3**strike** 12:25**supervised** 8:9**surgeries** 9:17**surgery** 11:13,17 14:16 15:7**surgical** 12:19**swear** 5:11**switch** 12:1**sworn** 5:23**system** 11:1

Richard Olejnik

03/19/2021

4

witnesses 5:21 12:1,9

T

tablet 11:1

talking 9:12

testified 5:23 14:2

testifying 6:2

things 13:15 14:19 15:14

threatening 10:3

time 5:7,8 6:19 7:10,11 10:11

11:14 15:23 16:9

timelines 7:19

times 11:11

today 5:6 6:13

Todd 5:20

top 7:6

Tracy 13:11,12

trained 8:4,7

transport 15:4,7

transportation 15:12

turn 11:24

type 15:19

typically 7:9 15:9

U

understand 6:1,25 8:17

understanding 14:2

Understood 7:21

V

varied 7:11

video 5:5

virtually 5:6

W

wanted 9:10

Y

year 6:18

Z

Zoom 5:6